

**In the United States Court of Appeals
for the Ninth Circuit**

CLAYTON SALTER, individually, and on behalf of all others similarly situated,
Plaintiff-Petitioner,

v.

QUALITY CARRIERS, INC., an Illinois Corporation, QUALITY DISTRIBUTION, INC.,
a Florida Corporation,
Defendants-Respondents.

On Appeal from the United States District Court
for Central California, Los Angeles
Case No. 20-cv-00479 (The Hon. John F. Walter)

DECLARATION OF MATTHEW W.H. WESSLER

I, Matthew W.H. Wessler, declare under penalty of perjury:

1. I am a member in good standing of the Massachusetts Bar and the bar of this Court and am a principal at Gupta Wessler PLLC, the firm retained as appellate counsel by the plaintiff-petitioner, who is now requesting leave to file a reply in support of his petition for permission to appeal the district court's order denying class certification and to set the deadline for this reply to May 18, 2021.

2. There is good cause for this extension request. Jennifer D. Bennett, lead appellate counsel and the primary brief writer for this case, underwent surgery this

past week and requires the next few days to heal and recover. I and my other colleagues have several pressing obligations that have taken up and will continue to take up substantial time over the next two weeks, including an oral argument before this Court in *Moser v. Benefytt* (No. 19-56224) on May 13, 2021. This will make it difficult to properly prepare the reply brief absent the requested leave. The deadlines that conflict with our adequate preparation of this brief include:

- A response to a motion to dismiss in Northern District of California the in *Brooks v. Thomson Reuters*, No. 21-cv-0148, on May 12, 2021;
- An oral argument in the Ninth Circuit in *Moser v. Benefytt*, No. 19-56224, on May 13, 2021;
- A response to a motion to dismiss due in the Western District of Montana, *Richey v. St. Clair County*, No. 4:21-cv-00109-RK, on May 17, 2021;
- An oral argument in the Northern District of California in *Thomas v. Cricket Wireless*, No. 19-cv-07270, on May 19, 2021

3. No parties will be prejudiced by this motion request.

4. For the foregoing reasons, this motion for leave to file a reply in support of Mr. Salter's petition for permission to appeal the district court's order denying class certification on May 18, 2021 should be granted.

Dated: May 7, 2021

Respectfully submitted,

/s/Matthew W.H. Wessler
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